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Illinois Commerce Commission
RAIL SAFETY SECTION

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ORIGINAL

July 7, 2006

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
Attn: Chief Clerk

T04-0054

288933B

Dear Chief Clerk:

Enclosed herewith for your files please find a copy of Ordinance #05-1542. This Ordinance vacates a previous right of way on McKnight Road in the area of the CN Railroad.

Sincerely,



Patrick T. Dunn
Attorney for the Village of Bourbonnais
PTD/pj
Enclosure

DOCKETED

JUL 12 2006

DSP-ms

VILLAGE OF BOURBONNAIS

ORDINANCE 05-1542

**AN ORDINANCE VACATING RIGHT OF WAY ON McKNIGHT ROAD IN THE
AREA OF THE CN RAILROAD RIGHT OF WAY**

**ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BOURBONNAIS
THIS 17TH DAY OF JANUARY, 2006**

I HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF THE DOCUMENT
ON FILE AT THE VILLAGE OF BOURBONNAIS.

ATTEST: Sandra McMeni, Deputy Clerk
DATE: June 30, 2006

Published in pamphlet form by authority of the Board of Trustees of the Village of
Bourbonnais, Kankakee County, Illinois this 17th day of January, 2006

ORDINANCE NO. 05-1542

**An Ordinance Vacating Right of Way on McKnight Road in the area of the
CN Rail Road Right of Way**

WHEREAS, The Village of Bourbonnais, an Illinois Municipal Corporation, hereafter referred to as "the Village", hereby determines and finds that the public interest will be subserved by vacating a portion of McKnight Road in the area of the CN Rail Road Right of Way, more fully shown and described in the attached Exhibit "A", in the Village of Bourbonnais; and

WHEREAS, The legal descriptions for the parcels of property acquiring fifty percent (50%) each of the vacated street property are attached hereto as Exhibit "B"; and

WHEREAS, The permanent index numbers for the parcels of property acquiring fifty percent (50%) each of the vacated street property are attached hereto as Exhibit "C"; and

WHEREAS, the Village has previously held a public hearing on 1/17/06 regarding said vacating, which was noticed by publication in a newspaper of general circulation at least fifteen (15) days prior to the hearing, and all interested persons were heard concerning the proposal to vacate said portion of the street; and

WHEREAS, the Village shall vacate only the roadway dedication, but shall retain and reserve to the Village of Bourbonnais or any public utility, any and all public service facilities, property, rights of way and easements that are necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof in said land being vacated; and

WHEREAS, it is in the best interests of the Village and its citizens to approve this Ordinance as it will provide relief to the public from further burden and responsibility of maintaining said property.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BOURBONNAIS, KANKAKEE COUNTY, ILLINOIS, AS FOLLOWS:

Section One: The corporate authorities of the Village hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct and complete, and are hereby incorporated by reference hereto and made part hereof.

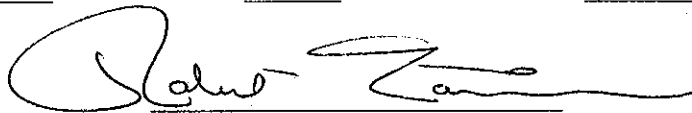
Section Two: This Ordinance has been approved and passed by the affirmative vote of at least three-fourths (3/4) of the Village Trustees holding office.

Section Three: The Village President, Attorney and Clerk are hereby authorized to execute any and all necessary documents and take any necessary actions to carry out the intent of this Ordinance.

Section Four: That this Resolution shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

PASSED by the President and the Board of Trustees of the Village of Bourbonnais, Kankakee County, Illinois this 17TH day of January, ~~2005~~ 2006

Trustee Residori	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
Trustee Amiano	Aye - <u> </u>	Nay - <u> </u>	Absent - <u>X</u>
Trustee Schore	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
Trustee Greenlee	Aye - <u> </u>	Nay - <u> </u>	Absent - <u>X</u>
Trustee Guebert	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
Trustee Byrne	Aye - <u> </u>	Nay - <u> </u>	Absent - <u>X</u>
<i>MAYOR LATHAM</i>	<u>X</u>	<u> </u>	<u> </u>
TOTALS:	AYE - <u>4</u>	NAY - <u>0</u>	ABSENT - <u>3</u>



ROBERT LATHAM
Village President

ATTEST:



BRIAN SIMEUR
Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE)

SS.

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk for the Village of Bourbonnais, Kankakee County, Illinois (the "Municipality"), and that as such official I am the keeper of the records and files of the Municipality and its President and Board of Trustees (the "Corporate Authorities").

I do further certify that the foregoing is a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the 17TH day of January 2005, insofar as the same relates to the adoption of an ordinance numbered and entitled: 2006 017

ORDINANCE NO. 05- 1542

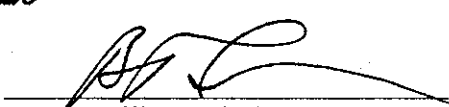
**An Ordinance Vacating Right of Way on McKnight Road in the area of the
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a true, correct and complete copy of which ordinance as adopted at such meeting appears in the proceedings of such meeting.

I do hereby further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly and was preceded by a public recital of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place, convenient to the public, that notice of such meeting was duly given to all news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, and that the Corporate Authorities have complied with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature, and the Municipality's seal, this 18TH day of January, 2005. 2006

(SEAL)


Village Clerk